

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 MS. BECKER: Detective Joel Bourdon.

2 THE COURT: Raise your right hand.

3 (The witness was sworn.)

4 THE WITNESS: I do.

5 THE COURT: Take the witness stand, please.

6 JOEL BOURDON

7 called on behalf of the State, having been first duly  
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. BECKER:

11 Q Good morning, sir. Would you please introduce  
12 yourself to our jury?

13 A My name is name Joel Bourdon.

14 Q Mr. Bourdon, what do you do for a living?

15 A I'm a police detective technician.

16 Q How long have you been with the police department.

17 A Since April of 1987, 18 -- a little over 18 years.

18 Q When you first joined the police department were  
19 you required to go through any training or gather  
20 any schooling in order to become a police officer?

21 A Yes.

22 Q What kind of training did you receive?

23 A I attended the Indiana Law Enforcement Academy the  
24 basic training session.

25 Q Okay. When you first joined the police agency,

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1           what was your capacity?

2   A   I was a uniform patrol officer.

3   Q   How long were you a uniform patrol officer?

4   A   About a year and a half.

5   Q   What did you do next for the police department?

6   A   I went to the detective bureau.

7   Q   While you were in the detective bureau did you  
8           receive further training and schooling regarding  
9           interview techniques, evidence techniques, things  
10          like that?

11   A   Yes, I did.

12   Q   Can you explain to the jury what kind of schoolings  
13          you went to and different certifications you have  
14          obtained?

15   A   Initially, actually, I believe I was still in  
16          uniform division when I first started attending  
17          Northwestern University Traffic Institute for  
18          accident reconstruction. It was taken down at  
19          Plainfield, Indiana is actually where I took my  
20          initial courses; and then also through the course  
21          of the years then I've attended classes on arson  
22          investigation to -- over in Ohio that's both the  
23          basic and advanced and then subsequently I received  
24          training in a lot of different topics.

25   Q   Okay. You received training in processing crime

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1                   scenes?

2                   A    Yes.  Most of that was done after 1992 which is  
3                   when I started doing what I do now, a detective  
4                   technician.

5                   Q    Why don't you tell us exactly what a detective  
6                   technician is first?

7                   A    Basically, my -- my duties consist of responding --  
8                   upon being requested, responding out to crime  
9                   scenes.  Most of them are of serious nature, death  
10                   investigations of different types.  And when I get  
11                   there, my job is to document, photograph, videotape  
12                   collect evidence, take measurements, diagram and  
13                   then subsequently then we may process evidence  
14                   further.  We may send it to laboratories, a variety  
15                   of things, and then eventually prepare it and bring  
16                   it to court if needed.

17                   Q    Since 1992 when you started as a Detective  
18                   technician until present day, any idea how many  
19                   hours of advanced schooling you've obtained?

20                   A    A lot.

21                   Q    Okay.  What types of courses?

22                   A    I -- I initially started by taking a course from  
23                   the Federal Bureau of Investigation on physical  
24                   evidence, preservation, and collection.  That was,  
25                   I believe, a one -- week course.  And then since

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1           then I've taken classes through Northwestern  
2           Traffic Institute up in Evanston, Illinois on crime  
3           scene work. I believe I took a photography class  
4           from them. I also took a facial reconstruction  
5           course, and then I attended several seminars  
6           through Wayne State University up in Michigan,  
7           death investigation type courses.

8           And then most recently this last fall I  
9           attended ten week -- the National Forensic Academy  
10           down in Knoxville, Tennessee. I attended that.

11          Q    In fact, the academy that you just attended, did  
12           you rank in your graduating class?

13          A    Yes, ma'am.

14          Q    What was your rank in your graduating class?

15          A    I receive -- I -- I don't know that we would call  
16           it a ranking, I -- they issue one award. It's call  
17           the Doctor Bass Award for achievements in forensic  
18           investigations, and I received that out of my class  
19           of 16 people.

20          Q    Okay. So since 1992 or approximately 13 years that  
21           you have been doing this detective technician  
22           position, any idea how many death scenes you have  
23           teched?

24          A    I think I could safely say over 100, probably  
25           hundreds. It's very difficult to say. A lot of

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1                   them -- it may vary on our involvement. It may be  
2                   something where my services are not needed, and one  
3                   of the other technicians would complete those  
4                   tasks.

5                   Q    As part of all of the schools that you have been  
6                   to, have you been trained regarding fingerprint  
7                   detection and lifting or preserving?

8                   A    Yes.

9                   Q    What about serum or bodily fluid for purposes of  
10                   DNA testing?

11                   A    Yes, I have.

12                   Q    Are there very detailed procedures that must be  
13                   followed in order to preserve evidence like this?

14                   A    Yes.

15                   Q    In your experience in the crime scenes that you  
16                   have -- or in the scenes that you teched, do you  
17                   find that it's easy to gather forensic evidence  
18                   such as DNA or fingerprints or bodily fluids?

19                   A    Is it easy. There are occasions where it's a  
20                   relatively simple process after you've done it for  
21                   a while, and there's been lots of changes over the  
22                   years on how all of this is done and advancements  
23                   in technology. It becomes more difficult with time  
24                   actually because of the sensitivity of testing.

25                   Q    Let me ask you this, Detective Bourdon. Is it easy

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1 to find -- actually, I shouldn't say it that way.

2 What characteristics are necessary before you can  
3 detect something like a fingerprint?

4 A Well, in that case, much of it is just making it  
5 become visible. Most -- most latent impressions,  
6 most fingerprint impressions left behind are  
7 difficult to see with the naked eye unless you  
8 process them further. Once they're located, the  
9 actually recovery process is relatively simple.

10 Q Have you been trained on the different ways to  
11 locate fingerprints?

12 A On a large variety of them. I'm sure not all of  
13 them.

14 Q Okay. And could you just briefly explain a couple  
15 of the ones that are ones that you typically use?

16 A Well, probably the most common way of -- of  
17 locating fingerprint impressions is dusting. It's  
18 nothing more than using a -- there's several  
19 different types of brushes that you use. They're  
20 very fine, and you apply a powder. There's a  
21 multitude of powders out there that can be used,  
22 and basically it's applying that dust to the  
23 impression left behind it. It makes it become  
24 visible.

25 Q Now, we'll talk about fingerprints a little bit

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1 more in a few minutes, but let's go ahead and move  
2 onto November 29 of 2002. Did you receive a  
3 request to arrive at the Waterfall Highrise  
4 approximately November 29, 2002?

5 A Yes, I did.

6 Q Any idea what time of day it was?

7 A I believe I got there shortly after eight o'clock  
8 in the morning.

9 Q Okay. When you arrived on that scene, first of  
10 all, do you remember what you did when you first  
11 got there?

12 A When I first got at the scene, I met with the  
13 supervisor at the time which was Lieutenant Tom  
14 Lerner. He's -- actually, I believe he's the one  
15 requested that I respond to that location. And  
16 then from there, he provided me with the initial  
17 information they he had at that point.

18 Q Do you get briefed by officers on the scene as much  
19 as possible so that you can start narrowing down a  
20 crime scene?

21 A Yes, yes.

22 Q Based upon the information you had received thus  
23 far, what did you believe to be the actual crime  
24 scene regarding Helen Sailor's death?

25 A Helen Sailor's apartment.

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1 Q Did you then go to Helen Sailor's apartment?

2 A Yes.

3 Q When you begin an investigation and specifically in  
4 Helen Sailor's investigation after the briefing and  
5 after figuring out where the crime scene is, what  
6 is the first course of action that you take?

7 A I normally at that point in time physically look at  
8 it myself.

9 Q Why do you just take a look at it to begin with?

10 A Just to see in my eyes what I see that appears to  
11 be relevant to what the crime we're investigating,  
12 in this case, her death. What items might -- could  
13 possibly be related. You don't always know because  
14 you've got -- it's like anybody else's home,  
15 there's lot of stuff, and so you have to kind of  
16 get a feel for what might be related to it because  
17 it is -- so much of it is unknown at that point in  
18 time.

19 Q Now, prior to your arriving, is the scene or the  
20 area that might be involved secured in any way?

21 A Yes.

22 Q And the normal course of practice ever since you've  
23 been a police officer, how is a scene secured?

24 A Normally what takes place, every scene is  
25 different, but normally what takes place is that

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1                   there will be an officer posted, a uniform officer  
2                   normally, to secure the location and that can be  
3                   done in a variety of ways. In this particular  
4                   case, it was an officer standing at the doorway to  
5                   the apartment. This was on the tenth floor so  
6                   access was extremely limited of course naturally.

7                   Q   When you arrived at the Helen Sailor's apartment,  
8                   was a uniform officer standing at the door guarding  
9                   the scene?

10                  A   Yes.

11                  Q   And when you went into the apartment, did you have  
12                   to basically log in or identify the fact that you  
13                   are now present?

14                  A   Yes. They logged -- that's that officer's job also  
15                   to maintain a log of who enters and exits the  
16                   scene.

17                  Q   Okay. So from the time that the scene is secured  
18                   by the police department whatever time that may be  
19                   until the time that you arrive, do you believe the  
20                   scene is usually secure?

21                  A   Yes.

22                  Q   Obviously you have no way of knowing what occurred  
23                   before police got involved. Correct?

24                  A   That's correct.

25                  Q   Okay. But once police get involved, do you feel

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1                   comfortable with the security of scene?

2   A   Yes. Our officers are good at it.

3   Q   Now, on November 29 in the morning hours after you  
4                   got a good look at Helen Sailor's apartment, what  
5                   was the next function?

6   A   After I reviewed that, it was determined that  
7                   Officer McConnell, he was the uniform technician,  
8                   would assist me in the processing of the scene and  
9                   then I began videotaping.

10   Q   Why do you videotape a scene first?

11   A   Just to get a -- it's -- it's difficult to show  
12                   everything. Part of my job is to be able to show  
13                   this to everyone else whether it be investigators,  
14                   prosecutors, anybody including the jury later on,  
15                   what as best we can portray it, and one of the good  
16                   ways in doing that is videotaping. We normally do  
17                   that first just to show the -- what we see as best  
18                   we can in the human eye.

19   Q   I'm going to show you what's been marked for  
20                   identification purposes as State's Exhibit 19.

21                   Will you take a look at this and tell me if you  
22                   recognize it?

23   A   Yes, I recognize the label on this.

24   Q   What is it?

25   A   This is the copy of the scene videotape related to

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1                   this case.

2   Q   All right. And this case means the Helen Sailor  
3                   homicide?

4   A   Yes.

5   Q   All right. Does this videotape accurately depict  
6                   what personally observed in Helen Sailor's  
7                   apartment the morning of November 29, 2002?

8   A   Yes, it does.

9   Q   Thank you. Do you believe that this videotape will  
10                  enlighten the jury and illustrate your testimony as  
11                  not only the layout but also the way that the scene  
12                  appeared on the morning you discovered it?

13   A   Yes, it would.

14                  MS. BECKER: Thank you. State moves to admit  
15                  what's been marked for identification purposes as State's  
16                  Exhibit State's 19.

17                  MR. ZOOK: No objection.

18                  MR. CRAWFORD: No objection, your Honor.

19                  THE COURT: Without objection, State's Exhibit  
20                  19 will be admitted.

21                  MS. BECKER: State would move to publish  
22                  State's Exhibit 19 by showing it to the jury.

23                  MR. ZOOK: No objection.

24                  MR. CRAWFORD: No objection, your Honor.

25                  THE COURT: And without objection, State's

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1 Exhibit 19 will be published electronically.

2 (State's Exhibit 19 was published to  
3 the jury.)

4 Q What are we looking at in this view?

5 A This is the hallway of the tenth floor of the  
6 Waterfall Highrise.

7 Q Are you the person actually behind the video camera  
8 in this?

9 A Yes, I am.

10 Q Why did you take this scene?

11 A This is just showing the overall view of what we  
12 see out in the hallway, just showing the  
13 surrounding area, what kind of environment it was

14 Q What apartment number was Helen Sailor's apartment?

15 A 1002.

16 Q Is this the door to Helen Sailor's apartment?

17 A Yes, ma'am, it is.

18 Q Why are you focussing on the locking mechanisms?

19 A It was just part of the normal course of  
20 investigation. You -- you would review what access  
21 ways there are. And in this case it would be that  
22 door whether there's damage to the doorway or not

23 Q Now, you're entering into Helen's apartment. What  
24 area are you seeing now?

25 A You're facing towards the north -- actually, right

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1           now you're seeing the floor area in the entry  
2           hallway.

3   Q    Why do you do that?

4   A    Try to show everything that you can: up, down, show  
5           all the views, show what we see. Just like you  
6           would if you walked into her room.

7   Q    To your knowledge, had anyone disturbed anything  
8           prior to your getting there?

9   A    I believe from the information I received was that  
10           family members had looked in the victim's person  
11           purse.

12   Q    Do you wear gloves or any other kind of protective  
13           material while you are even doing this process?

14   A    Yes.

15   Q    Why?

16   A    Just to protect everything so if I inadvertently  
17           tripped or had to catch myself that I wouldn't  
18           transfer anything. I normally wear gloves and  
19           footwear protection.

20   Q    This key ring that you're focussing on right now,  
21           were there any keys on that key ring?

22   A    No, ma'am.

23   Q    Did anybody advise you that they had removed those  
24           keys prior to your arriving?

25   A    No.

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1 Q The thing that you focussing on right there, the  
2 little white bottle that was off on the table, was  
3 that exactly where you found it?

4 A Yes, ma'am, it was.

5 Q Did you find any ropes or strings or anything like  
6 that in that vicinity?

7 A No.

8 Q In fact, did you find anything like that anywhere  
9 in the apartment?

10 A No.

11 Q This small bed right here and the Bible that is on  
12 it, do you have any information that anyone had  
13 manipulated or touched that Bible prior to your  
14 arriving, or do you know?

15 A Not that I'm aware of.

16 Q What is this little package?

17 A It was a Ziplock style bag, and it appeared to have  
18 antacids in it.

19 Q What are we looking at here?

20 A This was believed to be the victim's purse. The  
21 black edge of it is shown in the video right now.

22 Q Where are you standing when you're taking this  
23 shot?

24 A Right now I'm at the doorway leading from that  
25 first room that we saw into the -- what I described

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1 as the east bedroom.

2 Q Why do you focus on that box so much?

3 A Because it was damaged. The lock mechanism  
4 appeared to be pried.

5 Q Why do you make a point to document the position --  
6 the exact position of a body in a crime scene so  
7 early on?

8 A Just because you -- it might assist in determining  
9 the events.

10 Q Does the body get moved usually early on?

11 A No.

12 Q There's a bit of glimmery substance that we just  
13 saw on the left hand of Helen? Did you make note  
14 of this and collect samples of it during your  
15 processing the scene?

16 A If I recall correctly, that was not collected --  
17 the items -- what was on her hand was not collected  
18 at the scene. That would have been done later on.

19 Q Was there other areas in this apartment or right  
20 around Helen's body that also had that same  
21 glimmering substance?

22 A Yes.

23 Q Did you collect samples of that?

24 A It was on some of the items that were recovered.

25 Q There's also kind of pinky substance that was

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1                   around the body, a liquid. Did you collect samples  
2                   of that?

3   A   Again, that was also on some of the items which we  
4                   collected so, yes, they were collected.

5   Q   And did you later find bottles of things that might  
6                   be consistent with those things in the apartment?

7   A   Could be.

8   Q   Do you videotape those as well?

9   A   I believe so.

10   Q   What are we seeing here?

11   A   Right now I'm showing the closet door. This is on  
12                   the east wall of the -- kind of the small hallway  
13                   leading from the bathroom into that east bedroom,  
14                   and now it's showing a stain that was on the door  
15                   itself behind the handle.

16   Q   What are you focussing on now?

17   A   Just showing the overall condition of the bed and  
18                   the surrounding. There were stains observed on the  
19                   wall showing the drawers and items that were kind  
20                   of strewn about on the bed.

21   Q   Did you also find some of this -- or what appeared  
22                   to be consistent with the liquid on the floor in  
23                   the drawers?

24   A   Yes. That red colored -- reddish pink colored  
25                   substance.

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1 (The video was turned off.)

2 BY MS. BECKER:

3 Q Now, detective, after you finished taking the  
4 video, what did you do next?

5 A Normally, in this process we started taking  
6 35-millimeter photographs.

7 Q Why do you also take photographs?

8 A Just as another way of documenting what we  
9 observed.

10 Q May I approach?

11 THE COURT: You may.

12 Q I'd like to show you what's been marked for  
13 identification purposes as State Exhibit 20. Do  
14 you recognize this?

15 A Yes, I do.

16 Q What is it?

17 A This is a photograph, and in the central area of  
18 the photograph it's depicting a door knob and door  
19 lock this being to the apartment door that we're  
20 speaking of 1002.

21 Q All right. Next I'd like to show you what's been  
22 marked for identification purpose as State's  
23 Exhibit 21. Do you recognize this?

24 A Yes, I do.

25 Q What is it?

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1 A This is a photograph taken standing at the front  
2 doorway to the apartment facing towards the north.  
3 Q Thank you. Next I'd like to show you what's been  
4 marked for identification purpose as State's  
5 Exhibit 22. Do you recognize this?  
6 A Yes, I do.  
7 Q What is it?  
8 A This is a photograph taken showing the sink and  
9 stove area of this same apartment.  
10 Q Okay. Next I'd like to show you what's been marked  
11 for identification purpose as State's Exhibit 23.  
12 Do you recognize this?  
13 A Yes, I do.  
14 Q What is it?  
15 A This is photograph showing the kitchen table and  
16 basically the west wall and adjoining furniture  
17 items in the same apartment.  
18 Q Thank you. Next I'm showing you what's been marked  
19 for identification purpose as State's Exhibit 24.  
20 Do you recognize this?  
21 A Yes, I do.  
22 Q What is it?  
23 A This is a photograph showing the kitchen table area  
24 and it's content.  
25 Q Okay. Is this photograph a little bit closer up

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1           than the one prior to it? The one prior to it  
2           would be State Exhibit 23.

3   A   Yes, it is. It's more directed towards the  
4           specifically the table.

5   Q   Okay. Thank you. Next I'm showing you what's been  
6           marked for identification purposes as State Exhibit  
7           25. Do you recognize this?

8   A   Yes, I do.

9   Q   What is it?

10   A   This is a photograph showing the bed in the west  
11           room or the living room area of this apartment  
12           showing the items that were laying on the bed.

13   Q   Okay. Would that specifically be the Bible?

14   A   The Bible and the associated envelope and a small  
15           paper there.

16   Q   Next I'm showing you what's been marked for  
17           identification purposes as State's Exhibit 26. Do  
18           you recognize this?

19   A   Yes, I do.

20   Q   What is it?

21   A   This is photograph taken showing -- basically  
22           facing towards the east showing a recliner with  
23           a -- with a seat cushion inside of a bag and then a  
24           purse is laying on the floor next to that, and off  
25           to your left is a television.

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1 Q Thank you. We're all these photograph; namely,  
2 what's been identified as state's Exhibit 20  
3 through and including State's Exhibit 26, taken the  
4 morning of November 29, 2002 or thereabouts?

5 A Or thereabouts. It could have been the later on  
6 that same day also.

7 Q Are these true and accurate representations of what  
8 you personally observed in the apartment of Helen  
9 Sailor as you were teaseling it on or about  
10 November 29, 2002?

11 A Yes.

12 Q Do you believe they will assist the jury in  
13 understanding the crime scene and being able to  
14 illustrate your testimony?

15 A Most certainly.

16 MS. BECKER: Thank you. State would move to  
17 admit what's been marked for identification purposes as  
18 State's Exhibit 21 through 26 inclusively.

19 THE COURT: Mr. Zook.

20 MR. ZOOK: No objection.

21 THE COURT: Mr. Crawford.

22 MR. CRAWFORD: Your Honor, I would only object  
23 to No. 21 in that it appears to be a similar shot to what  
24 was already shot in the video and would be cumulative.  
25 As for the other ones, I see that they're close pictures

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1 and maybe not picked up in the video, but 21 I would  
2 object to. Seems to be a similar shot to what was in the  
3 video.

4 THE COURT: Well, all of these are similar to  
5 what appeared in the video.

6 MR. CRAWFORD: They're closer than that  
7 particular overall view.

8 THE COURT: Exhibits 19 -- excuse me --  
9 Exhibits 20, 22, 23, 24, 25, and 26 will be admitted  
10 without objection by either counsel. Exhibit 21 will be  
11 admitted over the objection of counsel for the defendant  
12 Royer.

13 MS. BECKER: State moves for publication of  
14 State's Exhibits 20 to 26 inclusive.

15 THE COURT: Mr. Zook, any problems that?

16 MR. ZOOK: No objection.

17 MR. CRAWFORD: Still noting my objection, your  
18 Honor. I have no objection to the others.

19 THE COURT: Exhibits 20, 22, 23, 24, 25, and 26  
20 will be published without objection. Exhibit 21 will be  
21 published over the objection of the defendant Royer.  
22 They'll be published in the manner of the choosing by the  
23 state.

24 MS. BECKER: Thank you, your Honor. State's  
25 Exhibit 20, 21 22, 23, 24, 25, 26.

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1 (State's Exhibits 20, 21, 22, 23, 24,  
2 25, and 26 were published to the  
3 jury.)

4 BY MS. BECKER:

5 Q May I approach?

6 THE COURT: You may.

7 Q Detective, next I'd like to show you what's been  
8 marked for identification purposes as State's  
9 Exhibit 27. Do you recognize this?

10 A Yes, I do.

11 Q What is it?

12 A This is a photograph of the victim, Helen Sailor,  
13 laying on the floor in the east bedroom area.

14 Q Now, when you arrived on scene, had anybody come in  
15 and moved the clothing or moved the body to your  
16 knowledge yet?

17 A No.

18 Q All right. So this is a depiction of what you  
19 actually observed when you first arrived?

20 A That is correct.

21 Q Thank you. Next I'd like to show you what's been  
22 marked for identification purposes as State's  
23 Exhibit 28. Do you recognize this?

24 A Yes, I do.

25 Q What is it?

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 A This is a photograph of the victim's left hand and  
2 the surrounding area.

3 Q Thank you. Next I'd like to show you what's been  
4 marked for identification purposes as State's  
5 Exhibit 29. Do you recognize this?

6 A Yes, I do.

7 Q What is it?

8 A This is a photograph of the victim's right hand and  
9 the surrounding area.

10 Q Next I'd like to show you what's been marked for  
11 identification as purposes as State's Exhibit 30.  
12 Do you recognize this?

13 A Yes, I do.

14 Q What is it?

15 A This is a photograph of a set of dentures and the  
16 surrounding area.

17 Q Thank you. I'm showing you what's been marked for  
18 identification purposes as State's Exhibit 31. Do  
19 you recognize this?

20 A Yes.

21 Q What is it?

22 A This is a photograph showing the front of the  
23 clothes dresser or bureau on the east wall of the  
24 east bedroom. It's showing that there were two  
25 drawers out of it.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Did you find those two drawers somewhere in the  
2 apartment?

3 A Yes.

4 Q Where were they?

5 A Laying on the bed in that same room.

6 Q Now, I'm showing you what's been marked for  
7 identification purposes as State's Exhibit 32. Do  
8 you recognize this?

9 A Yes, I do.

10 Q What is it?

11 A This is a photograph of one of the dresser drawers  
12 laying on the bed in that same room?

13 Q Okay. Next is what's been identified as State's  
14 Exhibit 33. Do you recognize this?

15 A Yes, I do.

16 Q What is it?

17 A This is a photograph of the red jewelry box that  
18 was underneath the southeast corner of the bed in  
19 that room in the east bedroom.

20 Q Thank you. Next I'm showing you what's been marked  
21 for identification purposes as State's Exhibit 34.  
22 Do you recognize this?

23 A Yes, I do.

24 Q What is it?

25 A This is a photograph of partially the interior of

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1                   the closet located on the east wall of the east  
2                   hallway leading from the bedroom into the bathroom.

3           Q    Thank you. And then finally, I'll show you what's  
4                   been marked for identification purposes as State's  
5                   Exhibit 35. Do you recognize this?

6           A    Yes, I do.

7           Q    What is it?

8           A    This is a photograph of the kitchen sink or  
9                   actually the south end of the kitchen sink and part  
10                  of the refrigerator and countertop in the kitchen  
11                  at this apartment.

12           Q    Why did you take this photograph?

13           A    Just showing the overall condition of things,  
14                   showing the surrounding items that were both in the  
15                  sink, around the sink.

16           Q    Okay. The bottles that are in the sink, what did  
17                  you observe them to be?

18           A    They're juice bottles.

19           Q    What kind of juice?

20           A    Ocean Spray.

21           Q    What kind of Ocean Spray juice?

22           A    I believe it was cranberry.

23           Q    Was it red cranberry or white cranberry, do you  
24                  remember?

25           A    It was a reddish color.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q And all of these photographs we've just discussed;  
2 namely, what's identified as State's Exhibit 27  
3 through State's Exhibits 35 inclusive, are these  
4 accurate representations of what you personally  
5 observed on the morning -- I'm sorry. During the  
6 day of November 29, 2002 at Helen Sailor's  
7 apartment?

8 A Yes.

9 Q Do you believe that they accurately depict what you  
10 saw and would assist the jury in understanding your  
11 testimony?

12 A Yes.

13 Q Thank you.

14 MS. BECKER: State moves to admit what's been  
15 marked for identification purposes as State's Exhibits 27  
16 through 35 inclusive.

17 THE COURT: Mr. Zook, any objection.

18 MR. ZOOK: No, sir.

19 THE COURT: And, Mr. Crawford, any objection?

20 MR. CRAWFORD: No, your Honor.

21 THE COURT: State's Exhibits 27, through and  
22 inclusive of 35 will be admitted without objection.

23 MS. BECKER: State moves for publication of  
24 State's Exhibit 27 through 35 inclusive through  
25 electronic publication.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 THE COURT: Any objection, Mr. Zook.

2 MR. ZOOK: No, your Honor.

3 THE COURT: Mr. Crawford

4 MR. CRAWFORD: No, your Honor.

5 THE COURT: State's Exhibit 27 through 35 will  
6 be published in any manner of choosing by the state.

MS. BECKER: 27, 28, 29, 30, 31, 32.

10 BY MS. BECKER:

11 Q Now, Detective Bourdon, the box that is located in  
12 32 you characterized it as a jewelry box. Why did  
13 you do that?

14 A Because later in collecting that and that's what I  
15 found as its content.

16 Q Did you actually identify the contents and keep  
17 that as evidence?

18 A Yes. That box and contents were recovered.

19 (State's Exhibits 33, 3  
20 published to the jury.)

21 Q Detective, after you had the opportunity to  
22 document all of the items in the apartment either  
23 by video and/or with 35-millimeter film, what did  
24 you do next?

25 A Then we begin the process of taking measurements to

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           locate furniture items, the victim' position. I  
2           did this with the assistance of Officer McConnell.

3   Q    Why do you do that?

4   A    Just another way of documenting. Just another way  
5           of as accurately as we possibly can documenting  
6           locations.

7   Q    In the event that it becomes important in a case  
8           later, can you then make a diagram; for example, if  
9           the measurements or distances become important?

10   A    Yes.

11   Q    After you've done the measurements and done this  
12           rough sketch or whatever comes next, then what do  
13           you do?

14   A    Then you would begin in the process of collection  
15           and recovery of items.

16   Q    Okay. Did you collect items such as the Bible, the  
17           jewelry box, ect.

18   A    Yes, later that day.

19   Q    Okay. Now, why do you actually collect those kinds  
20           of items?

21   A    With -- with many of them in this particular  
22           circumstance was for the possibility of impressions  
23           left by someone.

24   Q    What do you mean by impressions?

25   A    Fingerprint impressions, palm prints.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Okay. For example, the medicine container, why did  
2 you collect that?

3 A Because it was -- its positioning was such that is  
4 was out on the counter with lots of other items and  
5 it just -- medications just by their nature -- it  
6 just seemed an odd positioning. I don't -- that's  
7 the best answer I can give to that.

8 Q Fine. Why did you collect the bottles from the  
9 sink?

10 A Because of their positioning. They were out -- the  
11 red substance or pinkish red substance that was  
12 left in the bottle kind of coincided with what we  
13 saw in the second room, in the east room. I don't  
14 know that for sure, but that's why they were  
15 collected initially.

16 Q Okay. And after you collected all of these items,  
17 did you what we call bag them and tag them?

18 A Yes. They were -- they were bagged and then  
19 returned to the evidence area at the Elkhart Police  
20 Department.

21 Q Okay. Once you have bagged them and at your first  
22 opportunity, do you seal them?

23 A Yes.

24 Q Why?

25 A The bags are sealed after we're done processing.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           That can take an extended period of time. Until  
2           that time, they're secured; and then once they're  
3           sealed, it would be important for -- when they're  
4           transported somewhere else if they went to a  
5           laboratory to protect them.

6   Q    Okay. Do you also ensure that -- well, by the  
7           seal, do you ensure that there's been no tampering  
8           with the item?

9   A    Yes.

10   Q    Do you have to use different types of articles in  
11           order to bag them or package them depending upon  
12           the substance that you're -- or the items that  
13           you're collecting?

14   A    Yes, certainly.

15   Q    Why do you have to worry about that?

16   A    If you're submitting -- if it's an item that could  
17           be submitted later on for further examination for  
18           serology exam sent to a laboratory for testing,  
19           certain items, serology items need to be in paper  
20           unless there's -- and there's qualifiers to that  
21           even. Some can be in plastic depending on what  
22           they are, how they were obtained. It's just to be  
23           able to protect them so they don't degrade, the  
24           samples wouldn't deteriorate, for those issues.

25   Q    Did you also try and take any kind of latent

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           impressions whether they be footprint, fingerprint  
2           anything like that?

3   A   Yes, I did.

4   Q   In what areas did you try and take prints?

5   A   I worked in the -- on the doorways to the pantry  
6           closet which was on your left in the apartment, the  
7           floor in that area, the countertops of the kitchen  
8           counter, the stove, the telephone, a lot of the  
9           items that were recovered were subsequently  
10           processed later on. But in the apartment  
11           specifically the floor inside of the east bedroom  
12           near where the victim was laying, that was  
13           processed. The door to the closet in the --  
14           leading towards the bathroom was processed for  
15           impressions, a multitude of areas.

16   Q   Okay. Do you have to narrow down where you're  
17           going to dust for impressions, or can you do the  
18           entire room?

19   A   Just out of a sheer time frame involvement, you  
20           kind of have to focus on what appears to be out of  
21           place or related somehow, but you believe it may be  
22           tied in or could be tied into this.

23   Q   Okay. In the Helen Sailor apartment, did you do  
24           just that: Focus on the areas that looked out of  
25           place, looked like they could have been touched

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1 somehow?

2 A Yes.

3 Q How did you attempt to identify or to see as you  
4 previously talked about any type of latent print?

5 A Basically, at the scene I dusted just using the  
6 dusting powders just like we've described before  
7 just making them visible.

8 Q Okay. And at that point in time, did you find some  
9 type of latent print that you thought might be able  
10 to be recovered?

11 A Yes.

12 Q Let's go ahead and start with the latent markings  
13 that you found on -- or in the kitchen area.

14 A Okay.

15 Q Do you recall processing any part of the stove?

16 A Yes.

17 Q Why did you process the stove?

18 A Because of it's proximity to where the victim was  
19 located. It's near to where you would have to walk  
20 in that area, and it could be touched, you know,  
21 it's -- it's a possibility.

22 Q Okay. Was there any specific area on the stove  
23 that you were able to find some kind of a latent  
24 impression you thought was worth collecting?

25 A Yes. There were two areas.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q What did you find?

2 A On the -- as you face the stove now on the top left  
3 side, I recovered one latent impression that was up  
4 near the corner; and then I also located an  
5 impression down on the bottom right hand drawer,  
6 broiler drawer, clear at the very bottom and to the  
7 right.

8 Q The top left, what kind of an impression was that  
9 if you could tell?

10 A Well, it looked like a fingerprint impression, but  
11 it had ridge lines like a finger or palm  
12 impression.

13 Q Okay. Now, while we -- we aren't going to go into  
14 detail as far as your abilities to analyze  
15 fingerprints. Is that something that you've been  
16 trained to do?

17 A Not to the extent of a true identification work,  
18 no, ma'am.

19 Q Have you been to enough training that you can at  
20 least get a general feel whether it's a fingerprint  
21 or whether it's something that has enough quality  
22 or enough detail that it could possibly be  
23 processed further?

24 A Yes.

25 Q Okay. This print that you -- the latent impression

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1       you found at the top left, did you believe it had  
2       enough ridge detail that it might worth trying to  
3       do something with later?

4       A    Yes, it could be.

5       Q    Did you go ahead and take a lifter or preserve that  
6       print?

7       A    Yes.

8       Q    Let's now talk about the bottom right-hand corner.  
9       What kind of a latent impression did that appear to  
10      be?

11      A    That was different. That -- it appeared as though  
12      it could be like hair. It was linear in pattern.  
13      It was just an odd impression.

14      Q    Okay. After the stove, do you remember moving into  
15      the what we'll call the bedroom or the room where  
16      the body lie?

17      A    (No audible response.)

18      Q    Did you find anything that you tried to lift or  
19      tried to preserve in there?

20      A    Yes.

21      Q    What areas?

22      A    Basically, in that main area I focussed on the  
23      floor because it was pretty much open. It was  
24      obviously near to the victim's location.

25      Obviously, you would have to cross that path to get

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 to her position.

2 Q Okay. What did you do to process that area?

3 A I used dusting powders.

4 Q Were you able to see by using the dusting powder  
5 any kind of detail of an impression that you  
6 thought was able to be taken or preserved?

7 A There were several.

8 Q What did you do?

9 A I first after dusting it examined it further. I  
10 found several impressions, possible footwear  
11 impressions on the floor on the linoleum area.  
12 They were photographed, and their position was  
13 documented with measurements, and then they were  
14 collected.

15 Q How do you collect a footwear impression?

16 A In this particular case, I used adhesive lifters.  
17 It's just similar to a piece of tape, a big piece  
18 of tape; and then it has a backer on it to protect  
19 it so once you lift it, identify it, basically peel  
20 it up from whatever substance you would have placed  
21 it down onto and then you close it, and it adheres  
22 to itself.

23 Q Okay. Once it's closed, can it be reopened again?

24 A Not unless there was something causing it not to  
25 seal. A wet liquid could cause it to possibly

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1                   separate.

2                   Q    Okay. Would there be obvious changes or  
3                   manipulations in the paper, the backing, if  
4                   something wet had touched it?

5                   A    Well --

6                   Q    Let me ask you this: Can you visually look at it  
7                   and see whether it's been tampered with?

8                   A    Oh, certainly, certainly.

9                   Q    Okay. All right. Now, after you took these  
10                   impressions of footwear detail, where did you go  
11                   next?

12                  A    I already had worked in that area, and then I moved  
13                  to the bathroom area in the hallway, that small  
14                  hallway.

15                  Q    What did you dust, or what did you try to obtain  
16                  prints from in that area?

17                  A    In the -- I was not able to locate any impressions  
18                  upon the closet doors which I processed, but I also  
19                  worked on the area of the bathroom floor. In there  
20                  I did observe I believe it was one impression in  
21                  that area. It had some detail present.

22                  Q    Any areas -- or any other areas that you processed  
23                  at this time?

24                  A    Well, prior to doing the kitchen, I had worked in  
25                  the pantry area, and I had processed the floor in

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           that area and then also -- excuse me -- the doors  
2           leading into that pantry.

3   Q   Were you able to obtain any sample - or any samples  
4           of ridge detail or any samples of detail that you  
5           thought might be available for further processing?

6   A   Yes.

7   Q   What manner did you use to collect those items as  
8           well?

9   A   The same which I described before with the adhesive  
10           lifters on the floor.

11   Q   Next I'm going to show you what's been marked for  
12           identification purposes as State's Exhibit 36. Do  
13           you recognize this?

14   A   Yes, I do.

15   Q   What is it?

16   A   This is a photograph showing the lifter in place on  
17           the front of the stove the bottom right showing  
18           it's location.

19   Q   Okay. I'm now showing you what's been marked for  
20           identification purposes as State's Exhibit 37. Do  
21           you recognize this?

22   A   Yes, I do.

23   Q   What is it?

24   A   This is a view showing that same area on the stove  
25           only in closer -- closer proximity showing the

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1 impression that I observed.

2 Q Thank you. Next I'm showing you what's been marked  
3 for identification purposes as State's Exhibit 38.

4 Do you recognize this?

5 A Yes, I do.

6 Q What is it?

7 A This is a photograph showing the area what would be  
8 towards the west and slightly north from where the  
9 victim was located showing the impressions -- some  
10 of the impressions which I had obtained from that  
11 floor area.

12 Q Thank you. Next I'm showing you what's been marked  
13 for identification purposes as State's Exhibit 39.

14 Do you recognize this?

15 A Yes, I do.

16 Q What is it?

17 A This is the pantry door leading -- this is on the  
18 outside of the pantry door showing the location  
19 near the handle where I made a lift.

20 Q Okay. And then next I'd like to show you what's  
21 been marked for identification purposes as State's  
22 Exhibit 40. Do you recognize this?

23 A Yes, I do.

24 Q What is it?

25 A This is a photograph of the closet door in that

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1           small hallway where there was that substance  
2           located leading towards the bathroom. It's a close  
3           view of it.

4       Q    Thank you. And all of these photographs; namely,  
5           State's Exhibit 36 through and including what's  
6           been identified as State's Exhibit 40, are these  
7           accurate representations of what you personally  
8           observed while you were processing the Helen Sailor  
9           apartment on November 29, 2002?

10      A    These actually -- they were not taken on that date.

11      Q    When were these taken?

12      A    These were taken the following day, the 30th.

13      Q    Okay. Had you been processing the scene pretty  
14           much this entire time?

15      A    I had gone home for a -- I finished at  
16           approximately midnight on the 29th and then came  
17           back in, and it was about noon when I started the  
18           following day.

19      Q    Had the scene been secured to your knowledge in the  
20           same manner as you described before prior to your  
21           coming back?

22      A    The doors were sealed and locked. I did not have  
23           an officer standing on it all night long.

24      Q    Did you check the seals before you entered again  
25           on the 30th?

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1 A Yes.

2 Q Were they intact?

3 A Yes, they were.

4 Q Okay. Any reason to believe that they had been  
5 tampered with in any way?

6 A No.

7 Q All right. Other than that, are they the same or  
8 substantially the same condition as they were when  
9 you personally observed them while you were at  
10 Helen Sailor's apartment?

11 A Yes.

12 Q Do you believe that these will assist the jury in  
13 understanding your testimony and showing the detail  
14 of what you collected?

15 A Yes, it will.

16 Q Thank you.

17 MS. BECKER: State moves to admit what's been  
18 marked for identification purposes as State's Exhibit 36  
19 through 40 inclusive?

20 THE COURT: Mr. Zook any objections?

21 MR. ZOOK: No, sir.

22 THE COURT: Mr. Crawford, any objections.

23 MR. CRAWFORD: No, your Honor.

24 THE COURT: State's Exhibits 36, 37, 38, 39 and  
25 40 will be admitted without objection.

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1 MS. BECKER: State moves for a publication of  
2 36 through 40 inclusive.

3 THE COURT: Any objections, counsel?

4 MR. ZOOK: No, sir.

5 MR. CRAWFORD: No, your Honor.

6 THE COURT: State's Exhibit 36 through 40  
7 inclusive will be published without objection in the  
8 manner of choosing by the state.

9 MS. BECKER: State's Exhibit 36, 37, 38, 39,  
10 40.

11 (State's Exhibit 36, 37, 38, 39 and 40  
12 were published to the jury.)

13 THE COURT: Ladies and gentlemen, we're going  
14 to give you a break at this time. During the recess, I  
15 need to tell you. You are all jurors in this case. I  
16 must tell you now and I will repeat this again each time  
17 you are permitted to separate.

18 Generally, you should not express any opinion  
19 about the case before it is submitted to you for  
20 deliberation; however, you are permitted to discuss the  
21 evidence presented in this case amongst yourselves in the  
22 jury room during recesses from trial. All jurors and  
23 alternates must be present during these discussions, and  
24 you must reserve judgment about the outcome of the case  
25 until your deliberations begin.

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1           You are admonished that you may not discuss the  
2 facts of the case with anyone other than your fellow  
3 jurors.

4           You may not discuss this case with me or with  
5 the lawyers, parties or with any of the witnesses.

6           You should not listen to or read any outside or  
7 media accounts of the trial. You may not investigate the  
8 case or attempt to obtain information outside the  
9 courtroom. It is highly improper for you to do so. You  
10 are to consider and decide this case only upon the  
11 evidence received during the course of the trial in the  
12 courtroom.

13           (A short recess was taken.)

14           (The Court convened with all the  
15 parties present. The jury entered the  
16 courtroom and the following  
17 proceedings were had.)

18           THE COURT: Be seated, please. Ms. Becker.  
19 BY MS. BECKER:

20 Q   Now, detective, we just talked about those  
21 photographs about the latent processing that you  
22 did. Can you explain for the jury what it takes to  
23 leave a latent print whether it be fingerprint,  
24 footprint, footwear impression, something like  
25 that? Help us understand.

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1       A    Basically, there's several different ways it could  
2        take place the actual process with regards to  
3        fingerprints, handprints.  It's basically  
4        leaving -- for the most part -- leaving something  
5        behind.  The oils from your skin, it could be a  
6        substance you have on your hand that was  
7        transferred and the residue that's left behind  
8        dries out and leaves an impression there.  If you  
9        made an impression with, say, footwear or with your  
10       hand into something soft that would retain that  
11       impression, that could be possible also.

12       Q    So if you have clean hands, really clean hands, not  
13        even the oils on your hands are present, can you  
14        leave a print on anything you touch?

15       A    Not always.  I mean, there's -- there's not 100  
16        percent thing on this.  It's -- it's -- sometimes  
17        it's left behind and sometimes it's not, or we're  
18        not able to locate it.

19       Q    In your experience processing crime scenes, it is  
20        usual that you actually do find fingerprints that  
21        are of such a quality that they can actually be  
22        compared to something else later?

23       A    I wouldn't say it's the norm.  It's a -- most cases  
24        we don't end up with a lot of usable impressions.

25       Q    Why is that, or what is it -- why is it that it's

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1                   so difficult to get a usable impression?

2       A    Because in order to be able to identify it, I mean,  
3                   you've got to have specific detail present to do  
4                   that for the examiners. And with normal activities  
5                   when you think about it, if you take your hand and  
6                   you lay it on the arm of your chair and you move  
7                   your hand just as you would to get yourself up or  
8                   move or shift, it smears. So that -- in that  
9                   occasion, then, it's going to make that unusable.

10      Q    Okay. So just because you touch something doesn't  
11                   necessarily mean that it's going to leave a  
12                   fingerprint or a latent print that you can use.

13      A    That's correct.

14      Q    What exactly does latent mean?

15      A    Hidden.

16      Q    Hidden?

17      A    Yes.

18      Q    Okay. And you indicated earlier that it's a  
19                   process of becoming able to see it is what the  
20                   dusting powder or other means are used for?

21      A    Yes, that's correct.

22      Q    Have you also made attempts at the scene of Helen  
23                   Sailor to gather other types of prints? We've  
24                   already talked about the hair, or what appeared to  
25                   be the hair on the stove, you talked about the

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           footwear, and you talked about some fingerprint  
2           impressions. Were there any other types of  
3           impressions that you tried to get?

4       A    Not really as far as impressions go, no.

5       Q    All right. Now, talk about the footwear  
6           impressions. In your responsibilities as a  
7           detective technician, are you responsible for part  
8           of the evidence room and knowing what evidence is  
9           submitted in a case?

10      A    Yes.

11      Q    All right. Were there several comparison  
12           footprints submitted in the case regarding Helen  
13           Sailor's homicide?

14      A    There were -- actually submitted into evidence,  
15           yes, there were several different shoes that had  
16           been submitted.

17      Q    Okay. Was there an attempt to make comparisons in  
18           the footwear impressions, or the latent footwear  
19           impressions that you found in the apartment?

20      A    Well, they were basically examined as far as the  
21           footwear that was recovered whether it was even  
22           remotely similar to what we observed at the scene,  
23           and then if that was -- and then there were others  
24           that were just sent to the laboratory for that  
25           testing or other testing.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Now, it's a floor. Correct?

2 A Yes.

3 Q Is there any way of knowing how long a latent  
4 impression that you may have been able to pick up  
5 came from that floor, or has been on that floor?

6 A In most circumstances, no.

7 Q Now, in this circumstance; namely, the fact that  
8 there was a body and then some liquid around that  
9 body, were there any latent impressions that  
10 appeared to be in that liquid or on top of that  
11 liquid?

12 A Yes.

13 Q Did you collect those?

14 A Yes.

15 Q All right. Did you make an attempt to identify  
16 those?

17 A Yes. Those were sent to be identified.

18 Q Were they identified?

19 A Yes.

20 Q Was it a known person?

21 A Yes, it was.

22 Q Okay. Was it someone that you had record had been  
23 in with the body? Actually, let me just ask you  
24 this. Who was it?

25 A It was Larry Converse's shoe.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Okay. Now, were any of the other latent shoeprints  
2 in the liquid substance or clearly part of this  
3 crime scene?

4 A No. Most of the others were in the surrounding  
5 areas nearby.

6 Q Okay. Is there any way that you could say with  
7 certainty that they were left by someone who would  
8 have been involved in this crime?

9 A No.

10 Q Do you try and collect them anyway just in case?

11 A Make the attempt.

12 Q All right. And all of the latent prints --  
13 footprints that you collected, did you make  
14 attempts to have them identified them by sending  
15 them for processing or other means?

16 A Yes. If they were -- appeared to be usable  
17 impressions after you lifted them, yes, we did  
18 attempt it.

19 Q Okay. And based upon the footwear impressions, was  
20 an identity of a perpetrator ever found?

21 A No, no.

22 Q Let's now talk about the fingerprint impressions.  
23 Were you able to get some fingerprint impressions  
24 that had enough ridge detail that you thought could  
25 be used for later processing?

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 A Yes.

2 Q Did you make lifters like you talked about before  
3 of those fingerprint impressions?

4 A Yes, I did.

5 Q Specifically let's talk about some additional items  
6 that were admitted into evidence. Were there items  
7 that had been recovered from the trash chute that  
8 were admitted into evidence?

9 A Yes.

10 Q Now, did you retrieve some of those items at a  
11 later date for purposes of further processing?

12 A Yes, I did.

13 Q What kind of items were they?

14 A They were, if I recall correctly, it was juice  
15 bottles and then an envelope I believe it was.

16 Q Okay. Were there also some towels that were  
17 submitted into evidence from that same location?

18 A Yes.

19 Q Okay. But can you process cloth for fingerprints?

20 A It is possible.

21 Q Did you do it in this case?

22 A No, I did not.

23 Q Are you familiar with how to do that?

24 A Vaguely, yes.

25 Q Okay. Did you try and process the juice bottles?

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 A Yes.

2 Q What kind of juice bottles were they?

3 A The one -- I don't remember the brand name on the  
4 one. The one was an Ocean Spray, I believe, and  
5 then the other one I believe it was an Old Orchard  
6 brand.

7 Q I may I approach?

8 THE COURT: You may.

9 BY MS. BECKER:

10 Q I'm going to show you what's been marked for  
11 identification purposes as State's Exhibit 41. Do  
12 you recognize this?

13 A Yes, I do.

14 Q What is it?

15 A This is a photograph of the process of processing  
16 the one Ocean Spray cranberry juice bottle.

17 Q Next I'm going to show you what's been marked for  
18 identification purpose as State's Exhibit 42. Do  
19 you recognize this?

20 A Yes, I do.

21 Q What is it?

22 A This is a photograph of that same bottle with  
23 different adhesive lifters attached to it.

24 Q All right. Does this accurately demonstrate the  
25 process that you go through in trying to make these

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1           lifters from the print?

2   A   Yes.

3   Q   Does it also show a decent view of how to -- or of  
4           all the different prints and latent marks on these  
5           bottles that make it difficult for you to get  
6           lifters?

7   A   Could you rephrase that question, ma'am?

8   Q   Sure. Let me rephrase that question. Does this  
9           also show the various other marks that are present  
10          on these bottles that are also latent, in other  
11          words, they're brought up with the dusting powder?

12   A   Oh, yes, certainly.

13   Q   And do those sometimes interfere with your  
14          abilities to take ridge prints or fingerprints?

15   A   Yes, they can.

16   Q   All right. Do these two photos accurately  
17          represent what you personally observed when you  
18          processed this bottle?

19   A   Yes.

20   Q   And do you believe that they will assist the jury  
21          in understanding your testimony?

22   A   Yes.

23   Q   Thank you.

24           MS. BECKER: State would move to admit what's  
25          been marked for identification purpose as State's

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Exhibits 41 and 42.

2 THE COURT: Mr. Zook, any objections?

3 MR. ZOOK: No, sir.

4 THE COURT: Mr. Crawford, any objections?

5 MR. CRAWFORD: No, your Honor.

6 THE COURT: Exhibits 41 and 42 will be admitted  
7 without objection.

8 MS. BECKER: State would move to publish  
9 State's Exhibit 41 and 42 in digital publication.

10 THE COURT: Any objection, counsel?

11 MR. ZOOK: No, sir.

12 MR. CRAWFORD: No, your Honor.

13 THE COURT: Exhibits 41 and 42 will be  
14 published in any manner of choosing by the state without  
15 objection.

16 MS. BECKER: 41, 42.

17 (State's Exhibits 41 and 42 were  
18 published to the jury.)

19 BY MS. BECKER:

20 Q Now, detective, you indicated that you dusted for  
21 prints and -- fingerprints in numerous areas of the  
22 apartment, and in some circumstances you were able  
23 to take lifters. Correct?

24 A That's correct.

25 Q Were those lifters submitted to laboratory or

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 submitted somewhere for further analysis?

2 A Yes.

3 Q Were any of them of sufficient -- well, aside from  
4 one print on a tub, were any of them of sufficient  
5 quality to be able to identify a perpetrator?

6 A I can't really answer that.

7 Q Let me ask you this. Did -- the results that you  
8 got from the lab, did they assist in the  
9 investigation in identifying the perpetrator?

10 A No.

11 Q Okay. Let's now talk about this plastic tub. May  
12 I approach?

13 THE COURT: You may.

14 BY MS. BECKER:

15 Q I'm going show you what's been marked for  
16 identification purposes as State's Exhibit 43. Do  
17 you recognize this?

18 A Yes, I do.

19 Q What is it?

20 A This is the plastic tub and then the medication  
21 bottles contained in it that was on the stove at  
22 Helen Sailor's apartment.

23 Q Is this is the same plastic container that we saw  
24 in the photograph previously?

25 A Yes. Yes, it is.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q All right. Now, other than the fact that this has  
2 been repackaged and appears to have been processed,  
3 does it appear to be in the same or substantially  
4 the same condition as it was when you personally  
5 retrieved it from the Helen Sailor's apartment?

6 A The tub is substantially in the same condition.  
7 The medications have -- appear to be shifted  
8 around.

9 Q All right. Just in their positioning?

10 A Yes.

11 Q Now, were some of these -- the plastic tub itself,  
12 was it processed for fingerprints?

13 A Yes.

14 Q Did you do that personally?

15 A Yes, I did.

16 Q All right. Is that what the black coating is on  
17 the tub?

18 A Yes. That's some of the dusting powder.

19 Q All right. And then I'd also liked to show you  
20 what's been marked for identification purposes as  
21 State's Exhibit 44. Do you recognize this?

22 A Yes, I do.

23 Q What is it?

24 A These are three bottles of prescription type  
25 medication and a dosage cup that were on the

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 kitchen counter in front of the pill planners at.  
2 the apartment of Helen Sailor.

3 Q All right. Was there also a fourth bottle in front  
4 of the pill planners?

5 A Yes, there was.

6 Q Is that packaged in a different bag?

7 A Yes, it is.

8 Q All right. Did you process or attempt to process  
9 all of these four bottles for latent prints?

10 A Yes, I did

11 Q All right. And are these the only bottles that  
12 were separate on the counter which we saw in the  
13 photograph earlier?

14 A Yes. The only ones sitting out, yes.

15 Q Did the -- other than that, are they in the same or  
16 substantially the condition as they were when you  
17 retrieved them?

18 A Yes.

19 Q Thank you.

20 MS. BECKER: State would move to admit what's  
21 been marked for identification purposes as State's  
22 Exhibit 43 and 44?

23 | THE COURT: Counsel, any objection?

24 MR. ZOOK: No, sir.

25 MR. CRAWFORD: No, your Honor.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1                   THE COURT: Exhibits 43 and 44 will be admitted  
2 without objection.

3                   MS. BECKER: State would reserve publication at  
4 this time.

5                   THE COURT: All right.

6 BY MS. BECKER:

7 Q Detective, you indicated that you did process this  
8 medicine tub what's been identified as 43 for  
9 latent prints. Correct?

10 A That is correct.

11 Q Were you able to see enough ridge detail anywhere  
12 on there to try and take some lifters for further  
13 processing?

14 A Yes, I did.

15 Q How many, do you rememberer?

16 A I believe it was eight.

17 Q Were one of those lifters identified as lifter M?

18 A Yes.

19 Q From where or what area of the medicine tub did you  
20 take lifter M?

21 A From on the back side, the opposite side of where  
22 the label is located?

23 Q All right. So if we look at State's Exhibit 43 and  
24 we see that the label is at the end of the bag  
25 where the exhibit sticker is --

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 A That's correct.

2 Q -- what are you referring to the back side of the  
3 container?

4 A The opposite side from the label. This side right  
5 here where I'm pointing now.

6 Q Okay. Did you photograph your process of taking  
7 lifter M at the time you were processing the  
8 medical tub?

9 A Yes.

10 Q I'm going show you what's been marked for  
11 identification purposes as State's Exhibit 45. Do  
12 you recognize this?

13 A Yes, I do.

14 Q What is it?

15 A This is a photograph of that tub with the lifters  
16 in place, or at least two sides are shown here,  
17 with the lifters in place with M, and you can see  
18 the edge of H.

19 Q Okay. Does this photograph accurately depict what  
20 you were observing as you processed the medical  
21 container?

22 A Yes, it did.

23 Q Thank you. Does it also show the positioning of  
24 that lifter on the medical container?

25 A Yes.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Do you believe this will assist the jury in  
2 understanding your testimony?

3 A Yes, it will.

4 Q And was that done at the same time that you  
5 processed that medical container subsequent to  
6 recovering it from Helen Sailor's apartment?

7 A The photograph was taken when it was processed,  
8 yes, ma'am.

9 Q Thank you. Next I'd like to show you what's been  
10 marked for identification purposes as State's  
11 Exhibit 46. Do you recognize this?

12 A Yes, I do.

13 Q What is it?

14 A This is the lifter which was depicted in the  
15 previous photograph identified as M.

16 Q Okay. Now, there are two chunks out of the center  
17 of that lifter. What are those chunks  
18 representing?

19 A I believe those were removed from the lifter during  
20 the subsequent laboratory processing.

21 Q All right. Did you request certainly laboratory  
22 processing that would require them having a piece  
23 removed?

24 A Yes.

25 Q What kind of processing would that have been?

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 A Processing the -- the -- what's in between the  
2 adhesive lifter and the backer for DNA.

3 Q Oaky. Did -- or were there chunks taken out of  
4 areas that effected identifying this print to your  
5 knowledge?

6 A Not to my knowledge.

7 Q Okay. And does what's been identified as State's  
8 Exhibit 46 appear to be in same or substantially  
9 the same condition as it was when you took it off  
10 the medical tub except for the two chunks taken  
11 out?

12 A Except for the chunks, and there's several other  
13 markings on this that weren't there at that point  
14 in time.

15 Q Do you recognize the markings?

16 A They appear to be laboratory markings.

17 Q Are they markings that you're familiar with?

18 A Yes.

19 Q Thank you.

20 MS. BECKER: State now moves to admit what's  
21 been marked for identification purposes as State's  
22 Exhibit 45 and 46.

23 THE COURT: Counsel, any objections?

24 MR. ZOOK: No, sir.

25 MR. CRAWFORD: No, your Honor.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1                   THE COURT: Exhibits 45 and 46 will be admitted  
2 without objection.

3                   MS. BECKER: State would move to publish  
4 State's Exhibit 45 by digital publication and 46 by  
5 passing to the jury.

6                   THE COURT: Any objection?

7                   MR. ZOOK: No, sir.

8                   MR. CRAWFORD: No, your Honor.

9                   THE COURT: State's Exhibit 45 and 46 will be  
10 published in the manner of choosing by the state.

11                   (State's Exhibit 45 and 46 was  
12 published to the jury.)

13                   THE COURT: Ladies and gentlemen, take as long  
14 as you wish to examine Exhibit No. 46. It's being passed  
15 amongst you. These exhibits will be sent, generally  
16 speaking, to the jury room with you during your  
17 deliberations. You'll have another opportunity to  
18 examine them at that time.

19 BY MS. BECKER:

20 Q Now, detective, after you were able to process the  
21 medical tub and you were able to get lifter M, did  
22 it appear to you to have enough ridge detail that  
23 you thought it might be sufficient for comparison  
24 purposes?

25 A Yes.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Were you instructed to obtain another print, or a  
2 sample print, for purposes of submitting for  
3 comparison?

4 A Yes.

5 Q Where did you go to obtain a sample print?

6 A From -- it was a print card, and I obtained that at  
7 the Elkhart Police Department Records Division.

8 Q Okay. Does the Elkhart Police Department keep  
9 certain records in the normal course of their  
10 business?

11 A Yes, they do.

12 Q Among those do you have fingerprint cards on  
13 record?

14 A Yes, we do.

15 Q Next I'm going to show you what's been marked for  
16 identification purposes as State's Exhibit 47.  
17 Take a look at that. Do you recognize this?

18 A Yes, I do.

19 Q What is it?

20 A This is a Elkhart Police Department fingerprint  
21 card with inked impressions on it.

22 Q Okay. Where did you obtain this?

23 A From the records division.

24 Q Okay. Did you personally seal it?

25 A Yes, I did.

STATE'S WITNESS - JOEL BOURDON - (DIRECT)

1 Q Is this the same fingerprint card that you  
2 submitted for purposes of comparison?

3 A Yes, it is.

4 Q To whom did you submit this card for purposes of  
5 comparison?

6 A To Detective Chapman with the Elkhart County  
7 Sheriff's Department.

8 Q Why did you submit a fingerprint to Detective  
9 Chapman with the Elkhart County Sheriff's  
10 Department?

11 A Because he's a latent prints examiner?

12 Q Okay. Why didn't you just send the latent print,  
13 the fingerprint, with this much detail to the  
14 Indiana State Police Lab?

15 A Because it was requested we go through him because  
16 he could get it done sooner so -- because he would  
17 be able to start his examination sooner.

18 Q In your experience with the Indiana State Police  
19 Lab, how long does it typically take to get  
20 fingerprint comparisons done?

21 A It varies a great deal, depends on their -- their  
22 bag lock. Anywhere -- I've had them come back  
23 within a few months, and sometime it's been several  
24 years.

25 Q What about DNA testing?

STATE'S WITNESS - JOEL BOURDON - (CROSS)

1 A Pretty much more than a year is the routine.  
2 Q Now, after you were able to gather all of the  
3 evidence that you collected from Helen Sailor's  
4 apartment whether it be the latent fingerprint or  
5 the latent ridge detail, whatever you could get,  
6 the foot impressions, samples of bodily fluids from  
7 the autopsy or what from what you got around the  
8 scene or the items at the scene, did you submit  
9 some of these items to the Indiana State Police  
10 lab?

11 A Yes.

12 Q Why did you do that?

13 A For further testing in an attempt to identify the  
14 contributor.

15 Q Other than lifter M, that fingerprint, was the lab  
16 able to assist in identifying another perpetrator?

17 A No.

18 MS. BECKER: No further questions at this time.

19 THE COURT: Mr. Zook.

20 CROSS-EXAMINATION

21 BY MR. ZOOK:

22 Q Good morning, Joel?

23 A Good morning, sir.

24 Q I understand that you got a jewelry box from  
25 underneath a bed. Is that right?